

REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

NOTICE OF NON-COMPLIANT AMENDMENT - TRAVERSED

Regarding the Notice Of Non-Compliant Amendment, traversal is appropriate. More particularly, the Undersigned's file contains copies of a signed 1-page facsimile transmission sheet and a signed 17-page Amendment filed 01 February 2007, as well as a 1-page "Auto-Reply Facsimile Transmission" sheet dated 01 February 2007 (copy attached herewith) from the USPTO, indicating receipt of: "Total Pages: 18 (including cover page)". Upon review of the USPTO's PAIR system, it was noted on even date herewith, that the USPTO-electronically-saved version of Applicant's 01 February 2007 Amendment is missing the signatory page (i.e., page 17) of the Amendment. In any event, this present "Corrected Amendment" represents a resubmission of the 01 February 2007 Amendment, and is again signed as indicated below.

DISCLOSURE/SPECIFICATION AMENDMENT(S)

The disclosure/specification has been objected to because of the Office Action concerns listed within the "Specification" section on page 2 of the Office Action. As the disclosure/specification has been carefully reviewed and has been amended where appropriate in order to address each of the

Office Action listed concerns, reconsideration and withdrawal of the objection to the disclosure/specification are respectfully requested. The Examiner's kind amendments suggestions (within the Office Action) have been adopted.

PENDING CLAIMS

Claims 1-16 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1, 3-6 and 8-19 will be pending for further consideration and examination in the application.

REJECTIONS UNDER 35 USC '102 - TRAVERSED

The 35 USC '102 rejection of claims 1-6 and 8-16 as being anticipated by Arisawa et al. (U.S. Pub 2004/0035930) is respectfully traversed.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed.

In order to properly support a '102 anticipatory-type rejection, any

applied art reference must disclose each and every limitation of any rejected claim. The applied art does not adequately support a '102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims as argued by the following remarks from Applicant's foreign patent representative.

With respect to claim 1 of Applicant's invention, Arisawa et al (US 2004/0035930) does not teach "a module to access the IC card at a predetermined timing to acquire and check IC card information from the IC card". With respect to claim 14, Arisawa does not teach "accessing said IC card from said portable terminal at a predetermined timing and acquiring the card information of said IC card from said IC card". The subject matters of Applicant's claims 1 and 14 represent, for example, the embodiment shown in Fig. 3 and page 13, line 8 to page 14, line 26 of Applicant's original specification.

Applicant's invention is applied to the IC card (104) in a type that the card itself cannot transmit the card information to the external unit such as the portable terminal (100) or the ticket checking machine 101. So, the portable terminal (100) is required to access the memory in the IC card 104 at a predetermined timing to acquire (or read out) the card information from the memory in the IC card (104), and to check, for example, the current state (SF value) of the IC card.

In contrast with this, Arisawa's IC card is of a type that the data in the memory of IC card (100) can be transmitted to the external device such as

the portable terminal (110) by means of communications. Accordingly, the portable terminal (110) is not required to access the IC card for acquiring the card information, for example, at a give time or place.

In addition to the foregoing comments from Applicant's foreign patent representative, the following additional comments are submitted by the undersigned. More particularly, added independent claim 19 (somewhat paralleling independent claim 1) recites "A portable terminal comprising: an IC card mounting module to interface with an IC card; a memory module **to store user-specified conditions required to trigger a corresponding operation**; a module to access the IC card at a predetermined timing to acquire and check IC card information from the IC card; and a module **to perform the corresponding operation in a case where the IC card information acquired from the IC card satisfies said user-specified conditions to trigger the corresponding operation**."

One example "corresponding operation" might be replenishment of a level (i.e., amount) of electronic money, whenever the level falls below a user-set threshold. That is, a user may set and cause user-specified conditions to be stored within the memory module (of the portable terminal), where the portable terminal then utilizes the threshold to decide whether or not replenishment of an electronic money level is required with respect to the IC card. For example, whenever a user has his/her IC card accessed for fare payment upon entering a public transportation (e.g., train) station, the portable terminal may use that event as a "predetermined timing" to acquire

the IC card information (e.g., remaining electronic money balance) from the IC card, and then compare the balance to the replenish threshold (i.e., user-specified condition) to decide whether or not to perform the corresponding operation (replenishing the electronic money within the IC card).

Arisawa et al. appears not to teach a portable terminal having “a memory module to store user-specified conditions required to trigger a corresponding operation; a module to access the IC card at a predetermined timing to acquire and check IC card information from the IC card; and a module to perform the corresponding operation in a case where the IC card information acquired from the IC card satisfies said user-specified conditions to trigger the corresponding operation.” That is, it is respectfully noted that Arisawa et al.’s paragraph 0117 states that “The digital control unit 103 totally controls processing on received data or data to be transmitted or other operations of the IC card.”, i.e., it is respectfully noted that the “digital control unit 103” (see Arisawa et al.’s FIG. 5, for example) is a part of the IC card itself (not Arisawa et al.’s “portable terminal 110”). As additional evidence, Arisawa et al.’s paragraph 0020, for example, explicitly states, “The information processing terminal does not rely on a user operation to automatically enable a specific application for processing the IC card or to power on a controller to activate it.”

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a '102 anticipatory-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '102 rejections,

and express written allowance of all of the rejected claims, are respectfully requested.

EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

CONCLUSION

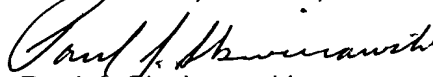
In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.43711X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP


Paul J. Skwierawski
Registration No. 32,173

PJS/slk
(703) 312-6600

Attachment:

Copy of 01 February 2007 "Auto-Reply Facsimile Transmission" sheet

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DKT

Auto-Reply Facsimile Transmission

(5/2/07 ESR)



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LAW OFFICES
ANTONELLI, TERRY, STOUT & KRAUS, LLP
SUITE 1800
1300 NORTH SEVENTEENTH STREET
ARLINGTON, VIRGINIA 22209
TELEPHONE (703) 312-6800
FACSIMILE (703) 312-6856
email@antonelli.com

VIA FACSIMILE - 18 PAGES (Including This Cover)

Commissioner for Patents
POB 1450, Alexandria, Virginia 22313-1450
TRANSMITTED TO USPTO MAIN FACSIMILE NO. 671-273-8300

RE: FUKUSHIMA, et al. - US Appl'n No. 10/811,965
Atty Docket No. 500.43711X00 / W1505-01EO
Examiner J. Song, AU 2188, USPTO Conf. No. 2890

SUBMISSION OF AMENDMENT

Sir:
Applicant hereby submits the attached AMENDMENT (17 pages) for entry in
the above-noted application.

CERTIFICATE OF TRANSMISSION:

I hereby certify that the attached AMENDMENT (17 pages) is being
FORMALLY TRANSMITTED via the USPTO Main Facsimile No. 671-273-8300 on
February 1, 2007.

Stacey Keaton

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